

It is a violation to shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle (29.1-521), unless permitted under 29.1-521.3.

## HOW TO POST PROPERTY

The method to properly post property is as follows:

"The owner...may post property by (i) placing signs prohibiting hunting, fishing or trapping where they may reasonably be seen; or (ii) placing identifying paint on trees or posts at each road entrance and adjacent to public roadways and public waterways adjoining the property." The paint mark is to be a vertical line of at least two inches wide and by at least eight inches in length. The center of the mark is not to be less than three feet off the ground or water and no more than six feet above the ground or water. These are to be visible to any person approaching the property and must be of aluminum color (18.2-134.1).

According to 18.2-135 it is illegal to destroy posted signs and it is illegal for someone to post lands of another without permission from the landowner or his agent.

*Note: Under 18.2-136 hunters who utilize dogs are allowed to retrieve their dogs off of prohibited lands when the chase begins on other lands. They may not carry firearms, or bows and arrows. They can only use vehicles in this process with the permission of the landowner or his agent.*

It is recommend when giving permission to someone to hunt, trap or fish that you be specific as to what you are allowing, where they may go, and the time period you will allow them to use your land. Keeping a record of this information may be very useful. If you give someone permission and are not specific then this could create problems in the future.

A landowner may appoint someone to act as his/her agent in the handling of posting property and in giving out permission to use the land. It is recommended this be done in writing so everyone will understand the limits of the agent.

To report wildlife  
violations phone  
1-800-237-5712

Or email: [wildcrime@dgif.state.va.us](mailto:wildcrime@dgif.state.va.us). For all other suspicious activities contact your local Sheriff's Department.



## VIRGINIA CHAPTER NATIONAL WILD TURKEY FEDERATION

The Dept. of Game and Inland Fisheries shall afford to all persons an equal access to Department programs and facilities without regard to race, color, religion, national origin, disability, sex or age. If you believe that you have been discriminated against in any program, activity or facility, please write to: VA. Dept. of Game and Inland Fisheries, ATTN.: Compliance Officer, 40110 West Broad St. Richmond, VA 23230-1104

07/01/2004

For more information or for information on forming a Wildlife Crime Watch contact your local Game Warden. Visit our Web site at:  
<http://www.dgif.virginia.gov>

**YOU CAN HELP SUPPORT THE  
VIRGINIA SPORTSMAN'S REWARD  
FUND, INC. BY SENDING YOUR TAX  
DEDUCTIBLE DONATIONS TO:  
VIRGINIA WILDLIFE CRIME LINE,  
4010 WEST BROAD STREET,  
RICHMOND, VA. 23230-1104.**

## WILDLIFE CRIME WATCH

## LANDOWNER ISSUES



**A PARTNERSHIP FOR  
WILDLIFE, THE  
ENVIRONMENT,  
PROPERTY AND PEOPLE**

## PUBLIC LANDS VS PRIVATE LANDS

The majority of sportsmen in Virginia engage in hunting, trapping and fishing on private lands. Not everyone is fortunate enough to have access to large tracts of land. In many areas the public lands are small in size or there are no public lands at all. Public lands generally receive a great deal of use, and are heavily hunted and fished. Private properties can provide outdoorsmen with a higher quality outdoor experience and a better opportunity of harvesting wildlife. In many areas the wildlife are in physically better condition on private properties.

## ARE THERE BENEFITS TO ALLOWING ACCESS TO YOUR PROPERTY?

Hunters, and trappers can assist the landowner in controlling wildlife populations on their lands, assist with chores, assist with patrolling and caring for the property. Outdoorsmen can provide the local community with a financial boost through spending money in the area on equipment, gasoline, food and lodging.

## WHAT ABOUT LIABILITY?

The code of Virginia in 29.1-509 addresses liability issues for landowners with regards to hunters, fishermen, sightseers, etc.

Basically a landowner owes no duty of care to keep land or premises safe for entry or use by others for hunting, fishing, trapping, camping, etc. When a landowner gives permission, express or implied, to another person to hunt, fish, trap, etc., they *do not*:

1. Implied or expressly represent that the premises are safe for such purposes; or
2. That a duty of care is owed to the person who permission has been granted.

However the liability of a landowner is not limited when through gross negligence or willful or maliciousness they fail to guard or warn someone against a dangerous condition, use, structure, or activity. Also, if the landowner receives a fee for the activity liability is not limited.

## LANDOWNER EXEMPTIONS

The landowner, spouse, their children and grandchildren, and the spouses of such children and grandchildren and the landowners' parents are exempt from the requirement to purchase hunting, fishing and trapping licenses under 29.1-301. This exemption *does not* apply to in-laws (brother-in-laws ect.).

When elk, fall turkeys or bear are harvested they must be taken to a check station where a check card for the animal will be issued. Deer (except elk) and spring turkeys may be checked calling the telephone checking system -1-866-468-4263.

If a landowner wishes to harvest deer beyond the yearly bag limit they would have to purchase the bonus tags where they are applicable.

Rabbits and squirrels may be hunted outside the hunting season by landowners and members of his immediate family for their own use and black bear may be killed when it is inflicting or attempting to inflict injury to a person. The landowner may kill fox at any time when such animals are doing damage to domestic stock or fowl (29.1-517).

Fur-bearing animals other than beaver, muskrats or raccoons may be shot by a landowner out of season (29.1-517).

When wildlife other than those listed above are causing damage to property or crops a permit will have to be obtained from a game warden in order to kill them.

## PROTECTION AFFORDED TO LANDOWNERS

There are several code sections which state individuals must have permission to access private properties. If property is not posted then permission from the landowner or his agent must be obtained *prior* to going hunting, fishing or trapping. For non-posted property *oral* permission is sufficient (18.2-131).

Under 18.2-119 it states in part that "... it is a violation for anyone to go upon the lands, buildings, or premises of another...after having been forbidden to do so, either orally or in writing...". If the property is posted then written permission from the landowner or his agent is required (18.2-134).

Anyone who goes on lands of another to hunt, trap or fish is required to identify themselves to the landowner or his agent under 18.2-133 and according to 29.1-337 are to display their license upon request as well.

The destruction of trees, shrubs, etc., upon the lands of another is covered in 18.2-140. According to 18.2-141 it is unlawful to cut or destroy trees and to carry axes, (other than a belt axe with a handle less than twenty inches), saw or other tool normally used for cutting or destroying trees without the prior permission of the landowner.

The molesting and/or destroying of nests, eggs, dens or young of wildlife are prohibited under 29.1-521.1.

It is unlawful for individuals while in vehicles to spotlight for deer without the permission of the landowner. This permission needs to be in writing and a weapon cannot be carried in the vehicle and they must be on the property and not on the roadway (18.2-121.2; 29.1-523; 29.1-525). It is against the law for anyone to handle a firearm in a manner, which would endanger life, limb or property (18.2-56.1). Under 18.2-56.1 it is against the law to shoot from, towards or across any road with a firearm, crossbow or bow and arrow.